

**UNITED STATES OF AMERICA  
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**CHAIRMAN:**  
Judge Wm. Terrell Hodges  
United States District Court  
Middle District of Florida

**MEMBERS:**  
Judge John F. Keenan  
United States District Court  
Southern District of New York

Judge Bruce M. Selya  
United States Court of Appeals  
First Circuit

Judge Julia Smith Gibbons  
United States Court of Appeals  
Sixth Circuit

Judge D. Lowell Jensen  
United States District Court  
Northern District of California

Judge J. Frederick Motz  
United States District Court  
District of Maryland

Judge Robert L. Miller, Jr.  
United States District Court  
Northern District of Indiana

**DIRECT REPLY TO:**

Michael J. Beck  
Clerk of the Panel  
One Columbus Circle, NE  
Thurgood Marshall Federal  
Judiciary Building  
Room G-255, North Lobby  
Washington, D.C. 20002

Telephone: [202] 502-2800  
Fax: [202] 502-2888

<http://www.jpml.uscourts.gov>

July 16, 2003

Tony Anastas, Clerk  
2300 John Joseph Moakley U.S. Courthouse  
One Courthouse Way  
Boston, MA 02210-3002

Re: MDL-1456 -- In re Pharmaceutical Industry Average Wholesale Price Litigation

*The People of the State of New York v. Glaxosmithkline, PLC, et al.*, N.D. New York, C.A. No. 1:03-299

Dear Mr. Anastas:

I am enclosing one certified and additional copies of a conditional transfer order filed by the Panel in the above-captioned action on June 30, 2003. Section 1407 requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred." As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer if they wish to do so. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

A list of involved counsel is attached.

Very truly,

Michael J. Beck  
Clerk of the Panel

By Teresa Bishop  
Deputy Clerk

Attachment

cc: Transferee Judge: Judge Patti B. Saris  
Transferor Judge: Judge Norman A Mordue  
Transferor Clerk: Lawrence K. Baerman

JPML Form 36

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

JUN 30 2003

FILED  
CLERK'S OFFICE

**DOCKET NO. 1456**

**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**  
**IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE**  
**LITIGATION**

*People of the State of New York v. Glaxosmithkline, PLC, et al.,*  
N.D. New York, C.A. No. 1:03-299

~~*State of West Virginia, et al. v. Warriek Pharmaceuticals Corp., et al.,*~~  
~~S.D. West Virginia, C.A. No. 2:03-494~~

Opposed 7-16-03

**CONDITIONAL TRANSFER ORDER (CTO-13)**

On April 30, 2002, the Panel transferred 16 civil actions to the United States District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 22 additional actions have been transferred to the District of Massachusetts. With the consent of that court, all such actions have been assigned to the Honorable Patti B. Saris.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the District of Massachusetts and assigned to Judge Saris.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of Massachusetts for the reasons stated in the order of April 30, 2002, 201 F.Supp.2d 1378 (J.P.M.L. 2002), and, with the consent of that court, assigned to the Honorable Patti B. Saris.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Massachusetts. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is  
pending at this time, the  
stay is lifted.

JUL 16 2003

CLERK'S OFFICE  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

FOR THE PANEL:

*Michael J. Beck*

Michael J. Beck  
Clerk of the Panel

**INVOLVED COUNSEL LIST (CTO-13)**  
**DOCKET NO. 1456**  
**IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE**  
**LITIGATION**

Stephen D. Annand  
Cohen, Milstein, Hausfeld & Toll, PLLC  
1100 New York Avenue, N.W.  
West Tower, Suite 500  
Washington, DC 20005

Matthew J. Barbaro  
Office Of The Attorney General  
Consumer Frauds and Protection Bureau  
State of New York  
The Capitol  
Albany, NY 12224-0341

Joshua I. Barrett  
DiTrapano, Barrett & DiPiero, P.L.L.C.  
604 Virginia Street, East  
Charleston, WV 25301

William A. Escobar  
Kelley, Drye & Warren, L.L.P.  
101 Park Avenue  
New York, NY 10178

Rose E. Firestein  
Office Of The Attorney General  
Assistant Attorney General  
Bureau of Consumer Frauds and Protection  
120 Broadway, 3rd Floor  
New York, NY 10271

Stephen P. Goodwin  
Goodwin & Goodwin  
P.O. Box 2107  
Charleston, WV 25328-2107

Frances A. Hughes  
Office of the Attorney General  
State Capitol Complex  
Building 1, Room 26-E  
Charleston, WV 25305

Neil L. Levine  
Whiteman, Osterman Law Firm  
One Commerce Plaza  
Suite 1900  
Albany, NY 12260

Richard Neely  
Neely & Hunter  
159 Summers Street  
Charleston, WV 25301-2134

Daniel E. Reidy  
Jones, Day, Reavis & Pogue  
77 West Wacker Drive  
Suite 3500  
Chicago, IL 60601-1692

John H. Tinney  
The Tinney Law Firm, PLLC  
P.O. Box 3752  
Charleston, WV 25337-3752

Jesse A. Witten  
Jones, Day, Reavis & Pogue  
51 Louisiana Avenue, N.W.  
Washington, DC 20001-2113